

CHAPTER NO. 174

HOUSE BILL NO. 1393

By Representatives Hagood, Ford, Montgomery, Overbey

Substituted for: Senate Bill No. 1670

By Senators Crowe, Atchley

AN ACT to amend Titles 4, 24, 49, 62 and 71 of the Tennessee Code Annotated, relative to persons with disabilities.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 4-29-223(a), is amended by deleting the language "hearing impaired" in subdivision (34) and by substituting instead the language "deaf and hard of hearing".

SECTION 2. Tennessee Code Annotated, Section 4-29-225(a), is amended by deleting the language "vocational training centers" in subdivision (1) and by substituting instead the language "rehabilitation centers"; and is further amended by deleting subdivision (21) in its entirety and by substituting instead the following new subdivision (21):

(21) Rehabilitation centers advisory boards, created by § 49-11-703; and

SECTION 3. Tennessee Code Annotated, Section 24-1-211(e), is amended by deleting the language "council for the hearing impaired" in subdivision (3) and by substituting instead the language "council for the deaf and hard of hearing"; and is further amended by deleting the word "education" in subdivision (4) and by substituting instead the language "human services".

SECTION 4. Tennessee Code Annotated, Section 49-11-701, is amended by deleting the language "vocational training centers" and by substituting instead the language "rehabilitation centers"; and is further amended by designating the existing language as subsection (a) and by adding the following new subsection (b):

(b) The provisions of this part apply only to rehabilitation centers established pursuant to this part and do not apply in any manner to the statewide comprehensive rehabilitation and training center at Smyrna established pursuant to part 8 of this chapter.

SECTION 5. Tennessee Code Annotated, Section 49-11-702, is amended by deleting the language "vocational training" in subsection (1) and by substituting instead the language "rehabilitation"; and is further amended by adding the word "and" immediately after the language "vocational rehabilitation" in subsection (5); and is further amended by deleting subsection (6) in its entirety and by re-numbering the remaining subsection; and is further amended by deleting existing subsection (7) in its entirety and by substituting instead the following new subsection (6):

(6) "Rehabilitation center" or "center" means a rehabilitation center coming within the provisions of this part.

SECTION 6. Tennessee Code Annotated, Section 49-11-703, is amended by deleting the section in its entirety and by substituting instead the following new section:

49-11-703-Rehabilitation center system authorized.

(a) The commissioner is authorized to establish a system of rehabilitation training centers for the developmentally disabled and other persons with disabilities.

(b) The system shall include the ten (10) "Volunteer State vocational centers" operated on July 1, 1965, by the Tennessee Association for Retarded Children and Adults, Incorporated, under the terms of OVR grant 956d from the office of vocational rehabilitation of the United States department of human services; and any other existing centers furnishing the same training, and any other rehabilitation centers established pursuant to this part.

(c) Rehabilitation centers established pursuant to this part shall be designated as the "Tennessee Rehabilitation Center at _____"(name of city where located).

(d)(1) The department shall appoint an advisory board for each center that it establishes.

(2) The advisory board for each rehabilitation center shall be appointed by the commissioner or designee, with the advice of the statewide advisory board, from among the citizens of the county where the center is located.

(3) Such boards shall be composed of twelve (12) members, who shall serve for staggered terms of four (4) years and shall receive no compensation for their services.

(4) Wherever possible, each rehabilitation center advisory board shall include among its members representation from the professional fields of education, vocational rehabilitation, human services, employment security, psychology, law and medicine. To achieve such representation, the commissioner or designee may appoint to any such board state personnel from any of the above enumerated fields who are employed in or reside in a county where a rehabilitation center is located. When appointing members to the advisory board pursuant to this subsection, the department shall, to the extent possible, appoint the board's members to ensure appropriate representation on the board based upon gender and ethnicity.

(5) Not more than two (2) of the rehabilitation center advisory board members shall be parents of an individual with a disability.

(e) The advisory board shall have the following responsibilities:

(1) To provide advice, in cooperation with the center's director and the department, regarding the operation of the rehabilitation services program, and the clients served, by the center for that county;

(2) To assist in coordination of the rehabilitation center's program with the public school system for students enrolled in the center from the public schools of the county where the center is located;

(3) To promote community support and education concerning persons with disabilities and their employment;

(4) To provide placement coordination in the local community for the development of employment opportunities for persons with disabilities; and

(5) To assist the center manager in presenting the proposed local operating budget to the proper local officials for certification.

(f) Clients of the rehabilitation centers established pursuant to this part shall not be considered state employees for any purpose. Any funds paid to these clients for sheltered employment shall be paid out of a special fund established from the gross income to the center from contract work.

SECTION 7. Tennessee Code Annotated, Section 49-11-704, is amended by deleting subsections (a), (b) and (d) in their entirety and by substituting instead the following:

(a) In order to coordinate the activities of the rehabilitation centers and to advise the commissioner and to better acquaint the public with the needs and activities of the program, the commissioner is authorized to create a statewide advisory board for the rehabilitation centers, to be composed of fifteen (15) members, as follows:

(1) There shall be one (1) ex officio member from each of the following departments and agencies of state government:

(A) The department of mental health and developmental disabilities;

(B) The department of labor and workforce development;

(C) The department of human services;

(D) The division of vocational rehabilitation of the department of human services;

(E) The department of education; and

(F) The Tennessee committee on employment of persons with disabilities.

(2) The remaining nine (9) members shall be appointed by the commissioner of the department of human services from among private organizations and agencies concerned with persons with disabilities, to serve for staggered terms of four (4) years each. In appointing the nine (9) remaining members to the board, to the extent possible, the assistant commissioner shall

appoint the board's members to ensure appropriate representation on the board based upon gender and ethnicity.

(b) It is the duty of the advisory board to consider and advise the commissioner and the division on broad problems and policies, to review periodically the progress of the rehabilitation center program, and to help maintain coordination between the program and the related programs of the organizations and agencies represented on the board.

(d) The commissioner, through the division, shall, with the advice and assistance of the advisory board, set and enforce standards for the operation of the rehabilitation centers, assist communities in organizing local rehabilitation centers, develop and administer contractual arrangements between the centers and the division, secure contract work for the various rehabilitation centers from industry on a local, statewide and national basis, in order to provide the type of work experience most needed by the clients and still provide income to the rehabilitation centers sufficient to adequately remunerate the clients.

SECTION 8. Tennessee Code Annotated, Section 49-11-705, is repealed.

SECTION 9. Tennessee Code Annotated, Section 49-11-706, is repealed.

SECTION 10. Tennessee Code Annotated, Section 49-11-707, is amended by deleting the language "training center" wherever found and by substituting instead the language "rehabilitation center"; and is further amended by deleting the language "vocational" in subdivision (b)(1)(D)(iv); and is further amended by deleting subsection (a) in its entirety and by substituting instead the following new subsection (a):

(a) The vocational rehabilitation division is authorized, with the approval of the commissioner, to contract with any public or private entity to provide services to the clients of the rehabilitation centers or to provide contract work for clients served by the rehabilitation centers. The vocational rehabilitation division shall comply with all requirements of Title VI of the Civil Rights Act of 1964 in the award and administration, pursuant to this subsection, of any contracts for services to clients of the division or in the provision of contract work for the division's clients.

SECTION 11. Tennessee Code Annotated, Section 49-11-708, is amended by deleting the language "vocational training" and by substituting instead the language "rehabilitation".

SECTION 12. Tennessee Code Annotated, Section 49-11-709, is amended by deleting the language "corporate" in subsection (b); and is further amended by deleting the language "training centers" or "training center" wherever found and, where the context requires, substituting instead the language "rehabilitation centers" or "rehabilitation center".

SECTION 13. Tennessee Code Annotated, Section 62-7-112, is amended by deleting the language "hearing-impaired" wherever it is found and by substituting instead the language "deaf or hard of hearing"; and is further amended by deleting the language "Tennessee Council for the Hearing Impaired (TCHI)" in subdivision (a)(2)(A) and by substituting instead the language "Tennessee Council for the Deaf and Hard of Hearing (TCDHH)"; and is further amended by deleting the acronym "TCHI" wherever it is found in subdivisions (a)(2)(A) and (B) and by substituting instead the acronym "TCDHH".

SECTION 14. Tennessee Code Annotated, Section 71-4-2102, is amended by deleting the language "hearing impaired" in the catchline and by substituting instead the language "deaf and hard of hearing"; and is further amended by deleting the language "Tennessee council for the hearing impaired" in the language immediately preceding subsection (1) and by substituting instead the language "Tennessee council for the deaf and hard of hearing"; and is further amended by deleting the language "hearing impaired" wherever found in subsections (1)-(8) and by substituting instead the language "deaf and hard of hearing".

SECTION 15. Tennessee Code Annotated, Section 71-4-2103, is amended by deleting the language "assistant commissioner of vocational rehabilitation" in subsection (a) and by substituting instead the language "assistant commissioner of rehabilitation services"; and is further amended by deleting the language "hearing impaired" and "hearing-impaired" wherever it is found and by substituting instead the language "deaf and hard of hearing".

SECTION 16. Tennessee Code Annotated, Section 71-4-2104, is amended by deleting the language "hearing impaired" wherever it is found and by substituting instead the language "deaf and hard of hearing".

SECTION 17. Tennessee Code Annotated, Section 71-4-2105, is amended by deleting the language "hearing impaired" and by substituting instead the language "deaf and hard of hearing."

SECTION 18. Tennessee Code Annotated, Section 71-4-2107, is amended by deleting the language "hearing impaired" from the catchline and by substituting instead the language "deaf and hard of hearing persons"; and is further amended by deleting the language "hearing impaired" wherever found in the text of the section and by substituting instead the language "deaf and hard of hearing".

SECTION 19. Tennessee Code Annotated, Section 71-4-2108, is amended by deleting the language "hearing impaired" and by substituting instead the language "deaf and hard of hearing".

SECTION 20. Tennessee Code Annotated, Section 71-4-2109, is amended by deleting the language "hearing impaired" and by substituting instead the language "deaf and hard of hearing".

SECTION 21. This act shall take effect on July 1, 2001, the public welfare requiring it.

PASSED: April 30, 2001

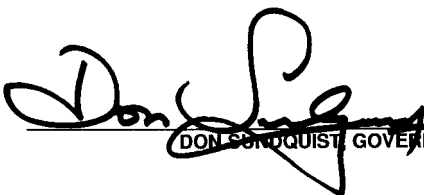


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 3rd day of May 2001



DON SUNDQUIST, GOVERNOR